

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

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8:01CR113

Plaintiff,

v.

ORDER

DAMION WELLS,

Defendant.

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Before the court is defendant's motion to appeal. Filing No. 155. The court denied defendant's motion, Filing No. 149, for a sentence reduction. Filing No. 1530. Defendant appeals this denial. The court notes that defendant's notice of appeal is untimely as it is not within the thirty-day time limit for appeals; however, the court has discretion to allow an additional thirty days to appeal for good cause shown. See Fed. R. App. P. 4(b). Defendant has failed to address why he filed his appeal after the thirty-day time limit. Accordingly, the court will grant defendant thirty days from the date of this order to inform the court as to the reasons why he failed to timely appeal this court's refusal to adjust his sentence.

IT IS ORDERED that the defendant is given thirty days from the date of this order in which to file his reasons for failing to timely file an appeal in this case.

DATED this 20th day of August, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge